

REGULAR CITY COUNCIL MEETING

AUGUST 12, 1985

PRESENT

Grant S. Nielson	Mayor
Don Dafoe	Council Member
Craig Greathouse	Council Member
Ruth Hansen	Council Member
Gayle Bunker	Council Member
Neil Dutson	Council Member

ABSENT

Dorothy Jeffery	City Recorder
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OTHERS PRESENT

Jim Allan	City Manager
Warren Peterson	City Attorney
John Quick	City Engineer
Virginia Taylor	City Secretary
Neil Forster	Public Works Director
Roger Young	Chief of Police
Bryce Ashby	Fire Chief
Jim Fletcher	KNAK Radio

Mayor Grant Nielson called the meeting to order at 7:00 p.m. Virginia Taylor, City Secretary, took minutes. Mayor Nielson stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the Millard County Gazette, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

No minutes were presented.

ACCOUNTS PAYABLE

The Council discussed the accounts payable, a list of which had been distributed to the Council members two days prior to the meeting. Council Member Gayle Bunker MOVED to approve payment of the accounts payable. The motion was SECONDED by Council Member Neil Dutson. Mayor Nielson asked if there were any further comments or questions regarding the accounts payable. There being none, he called for a vote on the motion, which passed unanimously.

CRAIG GREATHOUSE: UPDATE ON COUNTY FIRE PROTECTION AND DECISION ON  
RESOLUTION TO JOIN MILLARD COUNTY FIRE DISTRICT

Council Member Craig Greathouse requested that City Attorney Warren Peterson make a presentation on the above issue. Mr. Peterson introduced a proposal consisting of a written agreement and a resolution. The proposed agreement provided for funding of fire services into Millard County. The agreement was entitled:

INTERLOCAL COOPERATION ACT AGREEMENT

MILLARD COUNTY FIRE SERVICES AGREEMENT

The resolution was entitled:

RESOLUTION NO. 85-

A RESOLUTION APPROVING THE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY PROVIDING FOR THE ESTABLISHMENT OF A SPECIAL SERVICE DISTRICT TO PROVIDE FIRE PROTECTION SERVICES WITHIN THE BOUNDARIES OF MILLARD COUNTY, UTAH AND CONSENTING TO THE INCLUSION OF DELTA CITY WITHIN SAID DISTRICT.

The following letter was also discussed:

August 12, 1985

Millard County  
ATTN: County Assessor  
John Hansen  
60 South Main Street  
Fillmore, UT 84631

RE: West Millard County Fire Protection

SUBJECT: Agreement to Provide Fire Protection to West Millard  
County for Calendar Year 1985

1. Delta City agrees to provide the West Millard County area, as defined by the Millard County Fire Area Jurisdiction, fire protection during the period 1 January to 31 December 1985 under the following conditions:
  - a. Delta City shall receive no less than \$25,000 for service rendered during the above calendar year.
  - b. Delta City reserves the right to determine the total manning and equipment response necessary to meet the County emergency(s), as well as those of the City and any possible contingencies within the municipal boundaries.

2. The remaining funding still pending under this agreement is \$15,378.09 which is now payable.

City of Delta  
Mayor Grant S. Nielson

Attest: Jim Allan  
Deputy Recorder

During the course of the meeting, Delta Police Officer Bruce Irwin delivered a check to the City Council from Millard County in the amount of \$15,378.09, as requested in the above letter, which he had been requested to pick up at the Millard County Courthouse and deliver to the meeting.

Following a lengthy discussion, Council Member Don Dafoe MOVED that the decision on the Fire Protection District be tabled until Wednesday, August 14, 1985, at a Special City Council Meeting at 5:00 p.m. Council Member Gayle Bunker SECONDED the motion. Mayor Nielson then asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion. The motion carried unanimously.

MAYOR GRANT NIELSON AND JIM FLETCHER: DISCUSSION/DECISION OF CONTRACT WITH KNAK FOR ANIMAL IMPOUND NOTIFICATION

Mayor Nielson expressed his concern regarding impounded animals and the notification their owners should receive before the animal can be euthanized.

Mayor Nielson recognized Jim Fletcher, KNAK Radio Station, and requested he address the issue of Animal Impound Notification.

Mr. Fletcher said that Dr. H. Nielsen, DVM, who now boards impounded animals for Delta City, requested that an announcement be given over the radio when an animal is impounded so that the owner can be notified and the animal can be claimed before being euthanized. Mr. Fletcher agreed that owners do need to be notified on a regular basis of impounded animals. He said KNAK will provide this service for a charge of \$50.00 per month.

Following a brief discussion, Council Member Craig Greathouse MOVED to have Attorney Warren Peterson draw up a contract between Delta City and KNAK providing Animal Impound Notification service for \$50.00 per month. Council Member Don Dafoe SECONDED the motion. Mayor Nielson then asked if there were any questions or comments regarding the motion. There being none, he called for a vote. Council Member Neil Dutson abstained from the vote declaring his interest in KNAK Radio Station. The motion carried.

ATTORNEY WARREN PETERSON: DISCUSSION/DECISION OF RESOLUTION ADOPTING PROPOSED MASTER PLAN

Attorney Warren Peterson presented the following Resolution No. 85-133 approving a Master Street Plan, a Master Plan and a Comprehensive Plan. The resolution is entitled:

A RESOLUTION APPROVING A MASTER STREET PLAN, A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF DELTA CITY AND A COMPREHENSIVE PLAN DESIGNED TO LESSEN CONGESTION IN THE STREETS, TO SECURE SAFETY FROM FIRE PANIC AND OTHER DANGERS, TO PROMOTE THE GENERAL WELFARE, TO PROVIDE ADEQUATE LIGHT AND AIR, TO PREVENT THE OVERCROWDING OF LAND, TO AVOID UNDUE CONCENTRATION OF POPULATION AND TO FACILITATE ADEQUATE PROVISION FOR TRANSPORTATION, WATER, SEWAGE, SCHOOLS, PARKS AND OTHER PUBLIC REQUIREMENTS FOR THE CITY OF DELTA, UTAH AND AREAS TO BE ANNEXED INTO DELTA CITY.

City Manager Jim Allan stated that the plan as it is now written fulfills the requirement of having a Master Plan; and if required, the Master Plan can be supplemented in specific areas as needed.

Following a brief discussion, Council Member Craig Greathouse MOVED to adopt Resolution No. 85-133. The motion was SECONDED by Council Member Gayle Bunker. Mayor Nielson then asked if there were any further questions regarding the motion. There being none, he called for a roll call vote on the motion, which is as follows:

Council Member Gayle Bunker	Yes
Council Member Don Dafoe	Yes
Council Member Neil Dutson	Yes
Council Member Craig Greathouse	Yes
Council Member Ruth Hansen	Yes

The motion carried.

ATTORNEY WARREN PETERSON: DISCUSSION OF ZONING ORDINANCE

Attorney Warren Peterson asked for comments and specific instructions as to how the Council wants to proceed with the Zoning Ordinance. He stated that there is additional work that needs to be done to complete this ordinance.

Council Member Gayle Bunker asked about Appendix 1, Section A1-2, "Permitted Use under Agricultural Zones", where it states:

2.2 Commercial agriculture, dairying, poultry and livestock raising and feeding, provided that buildings used for housing fowl or animals, storing grain, feed or processing products shall not be located closer than 200 feet to any property line.

Mr. Bunker feels that 200 feet is an excessive distance and does not leave enough room to fully utilize property. Attorney Peterson suggested that the 200 foot spacing apply only when it borders a differing zone, otherwise the spacing would be the usual set back for the zone. Mr. Bunker concurred with the suggestion.

Mr. Bunker also asked about Appendix 3, Section A3-2, "Conditional Uses" where it stated:

Privately operated day nurseries, preschools and kindergartens, provided that any play area is enclosed with a fence approved by the Planning and Zoning Commission and not more than \_\_\_\_\_ children are present or cared for at the same time.

Mr. Bunker suggested that 25 be the number of children to be cared for at the same time. Council Member Don Dafoe suggested that instead of stating a number of children to be present or cared for, the business comply with state statutes and regulations and be conducted as a home business.

Attorney Peterson stated that there has been a work session scheduled for the Planning and Zoning Commission to review the Zoning Ordinance on August 21st.

Following further discussion, Council Member Don Dafoe MOVED to table the Zoning Ordinance for further discussion. Council Member Neil Dutson SECONDED the motion. Mayor Nielson then asked if there were any further comments and recommended that the Council study the ordinance. He then called for a vote on the motion. The motion carried unanimously.

DELL ASHBY: DISCUSSION/DECISION OF BUILDING PERMIT FEE FOR SENIOR CITIZEN'S HOUSING COMPLEX

Mr. Dell Ashby was not able to attend this meeting. Council Member Gayle Bunker MOVED to table the above issue until Mr. Ashby can attend. Council Member Neil Dutson SECONDED the motion. Mayor Nielson then asked if there were any further comments. There being none, he called for a vote on the motion. The motion carried unanimously.

DELL ASHBY: DISCUSSION OF REQUEST TO VACATE ALLEY -- 250 WEST FROM 50 SOUTH -- WEST MILLARD CARE CENTER

Council Member Gayle Bunker MOVED to table this issue until Mr. Ashby is able to attend. Council Member Neil Dutson SECONDED the motion. Mayor Nielson then asked if there were any further comments. There being none, he called for a vote on the motion. The motion carried unanimously.

BRYCE PILLING/GAYLE BUNKER: MOTORCYCLE AND THREE WHEELER NUISANCE AT DELTA ESTATES AREA

The following letter was read and reviewed by the Council:

TO THE CITY COUNCIL:

I'm writing this letter because I can't be at the meeting and thank you for time and interest you have shown us in the newly annexed Delta Estates. I would

personally like to thank those involved with our roads they are now in much better condition than when we were made a part of the City.

The only problem we have is with motorcycles and three wheelers. In Delta Estates and along the cement canal since we are now in the City we would like the same rules to apply out there as in Pendray Estates, White Sage or anywhere else in the City.

I have no personal feeling with the A.T.V.'s. The Delta Sports Center sells them and are right next door and Kevin and Frank have been very cooperative in trying to keep the dust and noise to a minimum.

The big problem is the racing up and down the ditch banks Rex Day has a problem around Rancho Mobile Home Park. Mr. Bunker has trouble with his corn patch and cattle feeding operation. Mr. Paul Cahoon from the water company has problems with them tearing up crosswalks and eroding the banks away from the cement ditch.

I'm sure the police could stop the bikes if they would concentrate their efforts a little more diligently. A few impounded bikes might make others think about the consequences. Maybe a big steel gate would stop them. I don't know the answer all I do know is something has to be done before someone ends up in the cement ditch or a child is run over and killed like one of my expensive hounds on the 24th of July. Whatever it takes lets do it!

Sincerely,

Bryce Pilling

Following a discussion of the letter, it was the feeling of the Council to make a concentrated effort to try and curb the problem through the local media and announce that the Police Department will begin enforcement and if the problem is not taken care of, there will be stronger action taken.

Jim Fletcher of KNAK Radio Station said that he could schedule a "Voice of the Valley" radio program addressing the subject. Included in this program could be Chief Roger Young, Sheriff Ed Phillips, Delta Sports Center owners, a Council member, and individuals who are having their property damaged. Mr. Fletcher said he would get this program scheduled within the next couple of weeks.

Attorney Warren Peterson was instructed to prepare an ordinance regarding motorcycle and three wheeler nuisance.

PUBLIC WORKS DIRECTOR NEIL FORSTER: REVIEW BID SPECIFICATIONS ON INDUSTRIAL  
LOADER/BACKHOE

Public Works Director Neil Forster presented the following list of bid specifications for the Council's review and consideration for bid. The scope of the bid was described as follows:

SCOPE

This specification covers a diesel powered rubber-tired industrial tractor loader/backhoe and accessories, as described herein. The machine shall be new and warranted for a minimum period of one year from date of delivery by the dealer and manufacturer. Service data shall include illustrated parts book and operator manual. The requirements are minimum and in accordance with SAE Standards where applicable.

Mr. Forster said that he had budgeted \$50,000.00 for this loader and it can be purchased for just under \$50,000.00. Mr. Forster requested the Council's approval to advertise the smaller loader that the City now owns as surplus equipment to be sold on a sealed bid as soon as the new loader is delivered.

Following a brief discussion of the loader, Council Member Don Dafoe MOVED to authorize Public Works Director Neil Forster to let out bids for an industrial loader/backhoe. The motion was SECONDED by Council Member Neil Dutson. Mayor Nielson called for further discussion, then called for a vote on the motion. The motion passed unanimously.

RUTH HANSEN: APPOINTMENT OF TWO CITIZENS TO THE LIBRARY ADVISORY BOARD

Council Member Ruth Hansen said that Angela Wankier would be willing to serve on the Library Advisory Board. Council Member Hansen was unable to contact the second person before this meeting.

Council Member Neil Dutson MOVED to appoint Angela Wankier as a member of the Library Advisory Board. Council Member Craig Greathouse SECONDED the motion. Mayor Nielson then asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion. The motion carried unanimously.

CRAIG GREATHOUSE: SET PUBLIC HEARING DATE FOR ZONE CHANGE REQUEST FOR  
NORMAN AND BONITA KAPASKA -- Beginning 403.22 feet North of the Southeast  
corner of Southwest quarter, Section 12, Township 17 South, Range 7 West,  
Salt Lake Base and Meridian, thence West 12-1/3 rods; thence South 13 rods;  
East 12-1/3 rods; thence North 13 rods to the point of beginning. LESS a  
portion lined in Del Park Annexation

Council Member Craig Greathouse said that the above mentioned property is zoned light industrial and Kapaska's have requested a zone change so they can put a mobile home on the property. Mr. Greathouse said that the Master Plan is calling for that area to be a medium density residential.

Following a brief discussion, Council Member Gayle Bunker MOVED to set a hearing date for a zone change request for Norman and Bonita Kapaska on Monday, September 9, 1985, at 6:30 p.m. The motion was SECONDED by Council Member Neil Dutson. Mayor Nielson then asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion. The motion carried unanimously.

OTHER BUSINESS

The date for the Airport Annexation Public Hearing was discussed. Attorney Peterson said that he is negotiating with the Christensen/Madsen group on their documentation. Until the ordinance is prepared the hearing date cannot be set, he said. He said Keith Taylor, as the representative of the Christensen/Madsen group requested that a group of four people from the City be established to meet with a similar group from their venture to try to arrive at some conclusions to their questions.

The following panel was established to resolve issues regarding the annexation:

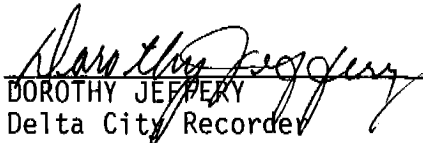
Council Member Craig Greathouse  
Council Member Gayle Bunker  
City Manager Jim Allan  
City Attorney Warren Peterson

A meeting was scheduled for the above group and the Christensen/Madsen group for Wednesday, August 21, 1985, at 1:00 p.m. in the Conference Room at the Delta City Offices.

Mayor Nielson asked if there were any further comments or questions or items to be discussed. There being none, Council Member Neil Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member Don Dafoe. The meeting adjourned at 9:35 p.m.

  
GRANT S. NIELSON, Mayor

Attest:

  
DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: August 26, 1985